

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: The Professional Staff of the Military Affairs and Domestic Security Committee

BILL: SB 1972

INTRODUCER: Senator Aronberg

SUBJECT: Veterans

DATE: February 25, 2010 REVISED: 03/02/10

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Pardue	Skelton	MS	Favorable
2.			GO	
3.			HA	
4.			WPSC	
5.				
6.				

I. Summary:

Senate Bill 1972 amends certain sections of the Florida Statutes to further define the eligibility criteria and policy for admittance to the state’s veterans’ homes and to revise the definition of the term “service-disabled veteran” for purposes of the Florida Service-Disabled Veteran Business Enterprise Opportunity Act.

This bill amends the following sections of the Florida Statutes: 295.187 (3)(b), 296.06 (2), and 296.36 (1).

II. Present Situation:

Florida Service-Disabled Veteran Business Enterprises

Section 295.187, F.S., establishes a program for service-disabled veteran business enterprises. Under the provisions of this section, state agencies are directed, when evaluating bids, proposals, or replies for the procurement of commodities or contractual services, to give award preference to service-disabled veteran business enterprises if the bids, proposals, or replies are equal with respect to all relevant considerations including price, quality, and service.

According to the Department of Management Services, there are 257,000 veteran-owned businesses in Florida of which 18,000 are owned by service-disabled veterans.¹

¹Department of Management Services website located at http://dms.myflorida.com/business_operations/state_purchasing/myflorida_marketplace/mfmp_in_the_news/11_11_08_service_disabled_veteran_business_enterprises last viewed on March 2, 2010.

Florida's Veterans' Homes

The Florida Department of Veterans' Affairs (FDVA) operates one domiciliary facility and five nursing homes for Florida's veterans in need of long-term care². The domiciliary provides rehabilitative assistance and other therapeutic measures to eligible ambulatory veterans who are not in need of hospitalization or skilled nursing services. The state's veterans' nursing homes provide skilled nursing care in a full-service long-term residential setting.³

The following table shows each facility's maximum capacity and average occupancy.

State of Florida Managed Veterans' Homes

Facility	Capacity	Average Occupancy
Lake City Domiciliary	150	109*
Daytona Beach	120	97*
Land O' Lakes	120	114
Pembroke Pines	120	115
Springfield	120	116
Port Charlotte	120	117

Source: Florida Department of Veterans' Affairs

* During the 2008-2009 reporting time-frame, renovations reduced the Lake City domiciliary's maximum capacity to 113 beds while the Daytona Beach nursing home's maximum capacity was reduced to 100 beds.⁴

Current law provides for state veteran's home admittance eligibility requirements to include:

- Have wartime service or peacetime service as defined in ss. 1.01 (14) and 296.02, F.S.;
- Have been a resident of the state at the time of application and for one year immediately preceding application;
- Not be mentally ill, habitually inebriated, or addicted to drugs;
- Not owe money to the Department of Veterans' Affairs for services rendered during any previous stay at a department facility; and
- Have applied for all financial assistance reasonably available through government sources.⁵

Current law also provides for an admittance priority order as follows:

- Be an eligible veteran who is a resident of the State of Florida;
- Have a service-connected disability as determined by the United States Department of Veterans Affairs, or have been discharged or released from military service for disability incurred or aggravated in the line of duty and the disability is the condition for which nursing home care is needed; and

² The domiciliary is located in Lake City while the nursing homes are located in Daytona Beach, Land O' Lakes, Pembroke Pines, Springfield, and Port Charlotte. A sixth nursing home is due to open in St. Augustine in 2010 with an additional 120 bed capacity.

³ Florida Department of Veterans' Affairs Annual Report dated December 31, 2009 located at http://www.floridavets.org/pdf/ann_rprt_09.pdf, last viewed on February 25, 2010.

⁴ Id.

⁵ Section 296.06, F.S.

- Be an eligible veteran who has a non-service-connected disability and is unable to defray the expense of nursing home care and so states under oath before a notary public or other officer authorized to administer an oath.⁶

In the context of federal government usage, the term “service-connected” means, with respect to disability or death, that such disability was incurred or aggravated, or that the death resulted from a disability incurred or aggravated, in line of duty in the active military, naval, or air service.⁷

FDVA officials have informed committee professional staff that current U. S. Department of Veterans Affairs (USDVA) policy requires a veteran seeking admittance to a state home must be seen by a USDVA physician for a determination of the need for nursing home residency.

III. Effect of Proposed Changes:

Senate Bill 1972 amends s. 295.187 (3)(b), F.S., to redefine the term “service-disabled veteran” by eliminating the “10 percent or greater” service-connected disability criteria thus aligning the state’s definition with the federal definition.

The bill amends s. 296.06 (2), F.S., to add an additional eligibility requirement to the state’s policy for admittance to the state veterans’ nursing homes. The bill aligns state policy with federal policy by requiring that a veteran must have been approved as eligible for care and treatment by the United States Department of Veterans Affairs.

Senate Bill 1972 amends s. 296.36 (1), F.S., to align it with the language found in s. 296.02, F.S., by including the term “Peacetime Service” as part of the definition of the term “veteran.”⁸

The bill provides for an effective date of July 1, 2010.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

⁶ Section 296.36, F.S.

⁷ 38 USC 101(16).

⁸ The term “veteran” is used in determining eligibility for admittance to the state’s veterans’ homes. “Peacetime Service” as defined in s. 296.02, F.S., means Army, Navy, Marines, Coast Guard, or Air Force service that is not during a wartime era as defined in s. 1.01 (14), F.S.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

None.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Additional Information:

A. Committee Substitute – Statement of Substantial Changes:

(Summarizing differences between the Committee Substitute and the prior version of the bill.)

None.

B. Amendments:

None.